

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, FARIDKOT.

Complaint No. : 102

Date of Institution : 25.4.2011

Date of Decision : 19.5.2011

Ashu Mittal Advocate c/o Chamber No. 2, District Courts, Faridkot, Tehsil and District Faridkot.

...Complainant Versus

Public Information Officer cum District Transport Officer, Faridkot.

...Opposite Party

Complaint under Section 12 of the
Consumer Protection Act, 1986.

Quorum: Sh. Ashok Kumar President
Dr. H.L. Mittal Member

Present: Sh. Parshotam Betab counsel for the complainant.

Opposite party exparte.

ORDER

Complainant has filed the present complaint against the opposite party for not providing required information under Right to Information Act within specified time and for providing incomplete and wrong information after specified time and for directing the opposite party to give complete information sought under the said Act and to pay Rs. 50,000/- as compensation on account of mental agony etc besides costs of litigation.

2. Briefly stated, the case of the complainant is that he moved an application dated 29.11.2010 under RTI Act to the opposite party and paid Rs. 100/- in the shape of postal order as fee for this purpose, so he is consumer of the opposite party. As the complainant had sought information from the opposite party under RTI Act after paying the required fee and as per law, the opposite party was to provide required information to the complainant within 30 days from the receipt of the application but the opposite party did not provide the required information with malafide intention on the pretext that the information could not be given because the RTI application has been given in English Language, whereas as per Section 6 of RTI Act the complainant has the right to demand the

information in English, Hindi or in the official language of the area. After passing of 30 days, the opposite party did not provide required information so the complainant had to file a complaint under Section 19 of RTI Act through his counsel in the Punjab State Information Commission at Chandigarh and the Commission directed the opposite party to provide required information immediately. On 15.3.2011, the opposite party sent a registered letter containing some information which was not complete and some information was false. This was done by them to conceal the irregularities made by the officials of the opposite party, which amounts to deficiency in service and unfair trade practice. Complainant has prayed for main relief as also for compensation of Rs. 50,000/- with costs of the complaint. Hence this complaint.

3. The counsel for complainant was heard with regard to admission of the complaint and vide order dated 28.4.2011 complaint was admitted and notice was ordered to be issued to the opposite party.

4. On receipt of the notice initially the opposite party appeared through Sh. Sanjiv Kumar, Clerk District Transport Office but later on none appeared on behalf of the opposite party and vide order dated 16.5.2011 the opposite party was proceeded against *exparte*.

5. The complainant wanted to lead evidence to prove his pleadings and proper opportunity was given to him. The complainant tendered in evidence his affidavit Ex.C-1, copy of application dated 29.11.2010 Ex.C-2, copy of postal receipt Ex.C-3, copy of postal order Ex.C-4 and Ex.C-5, copy of reply dated 15.12.2010 Ex.C-6, copy of reply dated 23.12.2010 Ex.C-7, copies of postal receipts Ex.C-8 to Ex.C-10, copy of acknowledgment Ex.C-11, copy of letter by opposite party Ex.C-12, copy of reply Ex.C-13, copy of postal receipt Ex.C-14, copy of letter No. 583 dated 5.1.2011 Ex.C-15 and closed his evidence.

6. We have heard learned counsel for the complainant and have very carefully gone through the affidavit & documents on the file.

7. Learned counsel for complainant has strenuously argued that non furnishing of complete information by the opposite party under the Right to Information Act amounts to deficiency of service on account of which the complainant is entitled to approach the District Forum in view of

Section 3 of the Consumer Protection Act even though complainant has not filed any appeal as provided under Section 7 of Right to Information Act. In support he has relied upon order of the Hon'ble National Commission dated 28th May, 2009 in Revision Petition No. 1975 of 2005 titled as Dr. S.P. Thirumala Rao Versus Municipal Commissioner, Mysore.

8. We have keenly considered the submissions made by the learned counsel for the complainant and perused the record on the file. As per application Ex.C-2 complainant had sought information as regards certain registration numbers of the vehicles and the names of the persons to whom those numbers were issued etc on payment of requisite fee as witnessed by copies of counter foils Ex.C-4 and Ex.C-5. Vide letter copy of which is Ex.C-6, District Transport Officer, Faridkot had written to counsel for the complainant to put up a demand for requisite information in Punjabi which was replied by the counsel aforesaid vide application, copy whereof is Ex.C-7 and copy of postal receipt is Ex.C-10. A bare perusal of copy of information Ex.C-12 would show that some relevant information was withheld on the pretext of record on the basis of which the said information was to be given was not readily available. Non supply of requisite information on stated excuse is denial of supply of information itself completely. Therefore, in our considered opinion conduct of the opposite parties in this respect amounts to deficiency in providing service. Filing or non filing of appeal by the complainant is no ground to deny the relief sought by the complainant through the present complaint as this Forum is competent to give alternative relief. This view stands supported from the order of Hon'ble National Commission in Dr. S.P. Thirumala Rao case supra. Consequently, the complaint filed by Ashu Mittal complainant is partly accepted exparte with a direction to the opposite party to provide complete information as per application dated 29.11.2010 Ex.C-2 and to pay Rs. 1,000/- as compensation on account of mental tension, harassment and litigation expenses within the period of one month from the date of the receipt of the copy of this order. In case no compliance is made out of this order, complainant shall be entitled to proceed under the provisions of Sections 25 and 27 of the Consumer Protection Act. Copies of the order be sent to the parties free of costs. File be consigned to the record room.

Announced in open Forum:
Dated: 19.5.2011

Member President (Dr. H.L. Mittal) (Ashok Kumar)